

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #7	CCRB Case #: 201504300	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/27/2015 11:20 PM	Location of Incident: Richmond Terrace and Lafayette Avenue	Precinct: 120	18 Mo. SOL 11/27/2016	EO SOL 11/27/2016	
Date/Time CV Reported Thu, 05/28/2015 10:45 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 05/28/2015 10:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Browne	00352	950113	120 PCT
2. An officer			
3. POM Brad Parascandolo	09164	953216	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brad Parascandolo	Abuse: PO Brad Parascandolo searched § 87(2)(b)	
B.POM Brad Parascandolo	Abuse: PO Brad Parascandolo damaged § 87(2)(b)'s property.	
C.POM Brad Parascandolo	Force: PO Brad Parascandolo used physical force against § 87(2)(b)	
D.POM Richard Browne	Force: PO Richard Browne used physical force against § 87(2)(b)	
E.POM Richard Browne	Abuse: PO Richard Browne threatened to arrest § 87(2)(b)	
F.POM Richard Browne	Abuse: PO Richard Browne searched § 87(2)(b)	
G. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

### Case Summary

On May 27, 2015 at approximately 11:20 p.m., PO Richard Browne and PO Brad Parascandolo of the 120<sup>th</sup> Precinct removed § 87(2)(b) from a city bus at Richmond Terrace and Lafayette Avenue in Staten Island after receiving a report of her disruptive behavior on the bus. § 87(2)(b) stated that a female officer was with PO Browne and PO Parascandolo; the investigation found no evidence of this.) After removing her from the bus, PO Parascandolo allegedly opened § 87(2)(b)'s bag, removed an unopened vodka bottle, and threw it on the ground, smashing it (**Allegations A and B**). The officers handcuffed § 87(2)(b) and PO Parascandolo allegedly pushed her to the ground (**Allegation C**). § 87(2)(b) repeatedly tried to stand up, and PO Browne pushed her to the ground each time, while saying, "Shut up. You want to go to jail, or you want to go to the psych ward?" (**Allegation D and E**). PO Parascandolo eventually grabbed § 87(2)(b) by the bicep and "yanked" her off the ground (**Allegation C, cont.**). An ambulance arrived and the officers "threw" her inside (**Allegation C and D, cont.**). PO Browne and the reported female officer rode in the ambulance with § 87(2)(b) while PO Parascandolo took the police car. During the ride, PO Browne searched both of § 87(2)(b)'s bags (**Allegation F**), with assistance from the reported female officer. The female officer saw § 87(2)(b)'s psychiatric medicine in the bag and allegedly said, "Oh, you're on the psych meds, huh? Did you take your pills today? Is that what made you go crazy?" (**Allegation G**). The officers left shortly after the ambulance arrived at § 87(2)(b) where § 87(2)(b) was treated for alcohol intoxication (see Medical Records Folder). She was discharged at § 87(2)(b). She was not arrested or given a summons. § 87(2)(b) alleged that she received a bruised left bicep and scrapes on her fingers and knees from this incident. She was not treated for these injuries at § 87(2)(b) but later saw her own doctor for treatment.

### Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation. As of July 23, 2015, an inquiry with the Comptroller's office about any notice of claim filed by § 87(2)(b) is still pending [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] (see Board Review 01).

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b)
- PO Richard Browne has been a member of the NYPD for four years. There are two prior CCRB complaints against him, neither of which was substantiated. One complaint, 201304310, includes a threat of arrest allegation. That case was closed as "complainant uncooperative."
- PO Brad Parascandolo has been a member of the NYPD for three years. This is the first CCRB complaint against him.

### Potential Issues

- The investigation contacted a gas station located near the scene of this incident, but they said their security cameras are pointed at their gas pumps and would not show the bus stop.
- § 87(2)(b) stated that another man got off the bus when she was removed and watched her interaction with the police. She did not know this man, and PO Browne and PO Parascandolo had no recollection of anyone else getting off. PO Browne said one man

watched some of the interaction, but he did not think he came from the bus and he did not know the man's identity. Additionally, § 87(2)(b) and PO Browne both said the bus pulled away immediately after she got off, § 87(2)(g)

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

- § 87(2)(b) made several allegations against a female officer, but the investigation found no evidence that any female officer was involved in this incident. § 87(2)(g)

#### **Allegations Not Pleaded**

- **Threat of Arrest:** In addition to PO Browne saying, "Shut up. You want to go to jail or you want to go to the psych ward?", § 87(2)(b) alleged that the female officer made this statement and that PO Parascandolo possibly said this, but she was not sure. § 87(2)(g)
- **Search:** § 87(2)(b) stated that, in the ambulance, both PO Browne and the female officer searched her bags. § 87(2)(g) the investigation determined that the female officer did not exist, § 87(2)(g)

#### **Allegation A –Abuse of Authority: PO Brad Parascandolo searched § 87(2)(b)**

#### **Allegation B – Abuse of Authority: PO Brad Parascandolo damaged § 87(2)(b)'s property.**

§ 87(2)(b) stated that, at the time of the incident, she had a purse and a drawstring bag with her. The drawstring bag contained an unopened bottle of vodka. She alleged that, after she was removed from the bus, PO Parascandolo opened the drawstring bag, removed the vodka bottle, and smashed it (see § 87(2)(b)'s interview report).

PO Parascandolo did not recall what items, if anything, § 87(2)(b) had with her, and did not specifically remember her having a bag. As a result, he did not recall searching any bags and denied smashing a glass bottle, or seeing a bottle break for any reason. PO Browne confirmed that § 87(2)(b) had a purse and a drawstring bag with her, but said no officer searched them until after they were inside the ambulance. He did not recall her having a glass bottle and did not recall PO Parascandolo smashing any bottles (see PO Parascandolo's and PO Browne's respective interview reports).

§ 87(2)(g)

**Allegation C – Force: PO Brad Parascandolo used physical force against § 87(2)(b)**

**Allegation D – Force: PO Richard Browne used physical force against § 87(2)(b)**

It is undisputed that the officers handcuffed § 87(2)(b) and took her to the ground, § 87(2)(g)

§ 87(2)(b) alleged that PO Parascandolo handcuffed her and then pushed her on the chest, causing her to fall on the sidewalk, landing on her left side. She stated that she received scrapes on her left hand and both knees because of this. She attempted to stand up several times, but PO Browne allegedly pushed her down each time. Eventually, PO Parascandolo grabbed her left bicep and allegedly “yanked” her up, causing a bruise. When the ambulance arrived, the officers allegedly “threw” her in the back. § 87(2)(b) provided photos she took while in the hospital bed that show several small scrapes and bruises (see Board Review 02, 03, and 04). She was not treated for these injuries at § 87(2)(b) but was treated several days later at the § 87(2)(b), her regular doctor. (These records were requested, but have not yet been received.)

PO Browne and PO Parascandolo said they handcuffed § 87(2)(b) because she was intoxicated and kept yelling at PO Parascandolo and getting close to him. They said they both grabbed her arms and forced her to lie on the ground, after which they handcuffed her. PO Browne said the officers picked her up shortly after handcuffing her. PO Parascandolo said he told her to sit down but she kept trying to stand up, and he held her shoulder to prevent her from doing so. Both officers denied that § 87(2)(b) complained of any injuries. Both said that she walked into the ambulance herself, rather than being thrown inside.

§ 87(2)(g)

First, § 87(2)(b) estimated that this incident occurred at about 9:30 p.m., whereas the event reports show that it occurred nearly two hours later (see Board Review 06). § 87(2)(g) Second, a recording of one 911 call was provided by IAB, § 87(2)(g). The caller said that § 87(2)(b) was screaming obscenities and seemed like she wanted to fight another passenger (see Board Review 07). (The caller did not observe the police interaction.) Lastly, the § 87(2)(b) records indicate that § 87(2)(b) initially claimed to have consumed only two glasses of wine, but later admitted that she had several additional beers (see Medical Records Folder).

Officers must use the “minimum necessary force” against civilians when performing official duties. Patrol Guide, Section 203-11 (see Board Review 5).

§ 87(2)(g)

**Allegation E – Abuse of Authority: PO Richard Browne threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that, as she was on the ground trying to stand up, PO Browne repeatedly said, “Shut up. You want to go to jail, or you want to go to the psych ward?”

PO Browne and PO Parascandolo both denied that any officer said this or made any threat to arrest § 87(2)(b). In his interview, PO Parascandolo added that there was “no criminal act,” and they would have had no reason to arrest § 87(2)(b).

§ 87(2)(g)

**Allegation F – Abuse of Authority: PO Richard Browne searched § 87(2)(b)**

§ 87(2)(b) alleged that PO Browne searched her bags during the ambulance ride to § 87(2)(b) and PO Browne acknowledged conducting this search. He stated in his interview that his sole reason for doing so was to make sure she did not have any weapons in the bags.

Officers may not routinely search the bags of people they are taking to the hospital, even if that person is under arrest. To perform such a search, the officers must have a reason to believe that the suspect is armed. Additionally, the bag must be in the civilian’s “immediate control” to create safety-based exigent circumstances. People v. Vega, 682 N.Y.S.2d 261 (1998 – 3<sup>rd</sup> Dept.) (see Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

**Allegation G – Discourtesy: An officer spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that a female officer searched her bags with PO Browne and, when she saw her medicine, said, “Oh, you’re on the psych meds, huh? Did you take your pills today? Is that what made you go crazy?”

PO Browne and PO Parascandolo both denied that any other officers were involved in the incident. PO Browne said another car briefly drove by to make sure they were okay, but those officers did not stay at the scene or interact with § 87(2)(b). PO Browne said there was no other police officer in the ambulance with him and he searched § 87(2)(b)’s bags by himself. He confirmed that he saw prescription medicine in one bag. He said he asked her if she took her

medicine, as he normally would when taking someone to the hospital, but he did not do so in the manner described above.

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

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Pod: 7

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date